

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
BRUNSWICK DIVISION**

JOHNNY MILES,

Plaintiff,

v.

CITY OF HAZLEHURST, GEORGIA, et al.,

Defendants.

CIVIL ACTION NO.: 2:22-cv-30

ORDER

Defendant Bohannon filed a notice of removal from the Superior Court of Jeff Davis County, Georgia, on March 11, 2022. Doc. 1. The Court issued a Rule 26 Instruction Order on March 14, 2022.¹ Doc. 2. Defendants Bennett, City of Hazlehurst, and Zamora filed a motion to dismiss and a motion to stay on March 18, 2022. Docs. 5, 6. Defendant Livingston also filed a motion to dismiss on March 18, 2022, and Defendant Bohannon filed a motion to dismiss on April 4, 2022. Docs. 7, 15. On April 11, 2022, I granted as unopposed the requested stay in discovery and noted the stay would lift automatically upon resolution of the motions to dismiss, if any claims remained pending. Doc. 16. The Honorable Lisa Godbey Wood resolved the motions to dismiss by Order dated November 30, 2022, and three counts of Plaintiff's Complaint remain pending. Doc. 29.

¹ This case was originally removed to the Dublin Division of this Court and was assigned Case Number 3:22-cv-22. Doc. 1. On March 28, 2022, this case was transferred to this Court's Brunswick Division, as Jeff Davis County lies in this Division. Doc. 10. Thus, the standard Rule 26 Instruction Order for Judge Wood/Judge Cheesbro cases was not issued in that matter. However, Plaintiff previously filed an identical action in Case Number 2:21-cv-132, and, in that case, the standard Rule 26 Instruction Order did issue. Case Number 2:21-cv-132, Doc. 2. Judge Wood consolidated these cases. Doc. 27.

Federal Rule of Civil Procedure 26(f) requires the parties to meet and confer at the initiation of a lawsuit. Rule 26 requires the parties discuss a number of things, including the prospects for resolving a case, initial discovery disclosures, and a proposed discovery plan. The attorneys of record are “jointly responsible” for scheduling and attending the conference. Fed. R. Civ. P. 26(f)(2). Further, pursuant to Local Rule 26.1(e) of this Court, the parties must hold the Rule 26(f) conference within the later of 21 days of the filing of the notice of removal or the filing of the last defendant’s answer, but in no event later than 45 days after the first appearance by answer or motion under Federal Rule of Civil Procedure 12 of a defendant named in the original complaint. Within 14 days of that conference, the parties are to file a report with the Court. Local R. 26.1(b).

The parties have yet to file their Rule 26(f) report. The Court **ORDERS** the parties to confer under Rule 26(f) within 14 days of this Order and submit a Rule 26(f) report within 7 days of their Rule 26(f) conference. The parties are to use and fully complete the Rule 26(f) form for use in Judge Wood/Judge Cheesbro cases, which can be found on the Court’s website. The parties’ failure to comply with this Order may result in the imposition of sanctions, up to and including dismissal of this cause of action.

SO ORDERED, this 10th day of January, 2023.



BENJAMIN W. CHEESBRO
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF GEORGIA